

Part 1: General Provisions

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1 **PART 24-1** **GENERAL PROVISIONS**

2 **Sec. 24-1100** **Title**

3 This Subtitle shall be known, and may be cited, as “the Subdivision
4 Regulations of Prince George’s County, Maryland,” and may be
5 referenced as “these Subdivision Regulations,” or “these
6 Regulations.”

7 **Sec. 24-1200** **Authority**

8 **24-1201.** **General Authority**

9 These Subdivision Regulations establish the County's subdivision
10 regulatory authority as authorized by Title 23, Division II of the Land
11 Use Article, Annotated Code of Maryland, and are adopted in
12 accordance with:

- 13 **(a)** The enabling authority contained in Section 23-104 of the Land
14 Use Article, Annotated Code of Maryland; and
- 15 **(b)** All other relevant laws of the State of Maryland.

16 **24-1202.** **References to Maryland or Federal Laws** 17 **and Statutes**

18 Whenever any provision of these Regulations refers to or cites a
19 section of the Maryland or Federal laws or statutes, and that section
20 is later amended or superseded, these Regulations shall be deemed
21 amended to refer to the amended section or the section that
22 corresponds to the superseded section.

23 **Sec. 24-1300** **Purpose and Intent**

24 The purpose and intent of this Subtitle is to establish procedures and
25 standards relating to the subdivision of land within Prince George’s

26 County for development purposes, as well as to establish standards
27 for access, circulation, streets, and other infrastructure provided as
28 part of subdivisions or other new development. More specifically,
29 this Subtitle is intended to ensure that subdivisions promote the
30 health, safety, convenience, order, prosperity, and welfare of the
31 present and future residents and landowners of Prince George’s
32 County by:

- 33 **24-1301.** Protecting and providing for the public health,
34 safety, and general welfare;
- 35 **24-1302.** Ensuring the orderly, planned, and efficient
36 economic development of the County;
- 37 **24-1303.** Establishing reasonable standards of design and
38 development for the subdivision of land;
- 39 **24-1304.** Establishing reasonable procedures for the review
40 of the subdivision of land;
- 41 **24-1305.** Ensuring that public facilities will be available and
42 will have sufficient capacity to serve the proposed
43 subdivision;
- 44 **24-1306.** Facilitating public and private actions in order to
45 provide adequate and efficient transportation,
46 water and sewerage, police, fire and EMS, parks and
47 recreation, and school facilities, and other public
48 facilities;
- 49 **24-1307.** Providing the most beneficial relationship between
50 the subdivision of land and the circulation of traffic,
51 having particular regard for pedestrian movements
52 that encourage pedestrian safety and comfort, and
53 pedestrian movements appropriate to the various

1 uses of land and buildings, the avoidance of
2 congestion on the streets and highways, and to
3 provide for the efficient and appropriate locations
4 and widths of streets;

5 **24-1308.** Ensuring proper legal descriptions and monuments
6 are placed on subdivided land;

7 **24-1309.** Helping County officials in securing adequate
8 records of land title;

9 **24-1310.** Providing, where appropriate, for drainage controls,
10 stormwater management, site stabilization, and
11 sediment control;

12 **24-1311.** Encouraging the wise use and management of
13 natural resources throughout the County in order to
14 preserve the integrity, stability, and beauty of the
15 County, and the value of the land;

16 **24-1312.** Providing for open space through the efficient
17 design and layout of land;

18 **24-1313.** Ensuring appropriate and attractive spacial
19 relationships between lots, parcels, open spaces,
20 transportation networks, environmental lands, and
21 public and private areas;

22 **24-1314.** Encouraging creative subdivision design that
23 accomplishes these purposes in an efficient,
24 attractive, and environmentally sensitive manner;

25 **24-1315.** Protecting historic resources listed on the Inventory
26 of Historic Resources and Sites; and

27 **24-1316.** Protecting archeological sites that are significant to
28 understanding the history of human settlement in
29 the County.

30 **Sec. 24-1400 Applicability**

31 **24-1401. General**

32 **(a)** These Regulations apply to:

- 33 (1) The subdivision of all lands within the boundaries of the
34 Regional District within Prince George’s County, unless
35 subdivision is expressly exempted in Section 24-1403
36 Exemptions, below, or by a specific Subsection of these
37 Regulations;
- 38 (2) A conversion of use from residential to nonresidential, or
39 nonresidential to residential, or the conversion of either a
40 residential or nonresidential use to mixed-use; and
- 41 (3) An amendment of findings, conditions, and/or certified
42 plans established by the Planning Board in a prior approval
43 of a preliminary plan of subdivision.

44 **(b)** Unless exempted in Section 24-1403 Exemptions, below, or by a
45 specific Subsection of these Regulations, prior to any division,
46 consolidation, or establishment of lots, tracts, or parcels of land
47 as one or more lots or parcels, or other divisions of land:

- 48 (1) The land shall receive subdivision approval in accordance
49 with the procedures (Division 24-2: Administration) and
50 standards (Division 24-3: Subdivision Standards and Division
51 24-4: Chesapeake Bay Critical Area Standards) of this
52 Subtitle; and
- 53 (2) The approved final plat shall be filed in the Land Records of
54 Prince George’s County.

1 (c) No actions in accordance with these Subdivision Regulations
2 shall exempt land from compliance with the requirements of
3 Subtitle 27: Zoning Ordinance or Subtitle 5B: Chesapeake Bay
4 Critical Area, of the County Code or Section 9-206 of the State
5 Environmental Article.

6 **24-1402. Application to Governments**

7 Except as stated herein, the provisions of these Regulations do not
8 apply to:

9 (a) Subdivision of land owned by municipalities within the County
10 or land owned and used by the County;

11 (b) Subdivision of land owned and used by the Maryland-National
12 Capital Parks and Planning Commission (M-NCPPC), the
13 Washington Metropolitan Area Transit Authority (WMATA), and
14 the Washington Suburban Sanitary Commission (WSSC);

15 (c) Subdivision of land owned and used by the State of Maryland,
16 unless State law authorizes local regulation by these
17 Regulations;

18 (d) Subdivision of land owned and used by the government of the
19 United States, its agencies, departments or corporate services,
20 to the full extent required by law; and

21 (e) Residential buildings of three units or less constructed prior to
22 November 29, 1949.

23 **24-1403. Exemptions**

24 With the exception of property located in Sustainable Growth Tier IV,
25 the following shall be exempted from the requirements of filing a
26 preliminary plan of subdivision and final plat.

27 (a) Partition through action of a court of competent jurisdiction,
28 unless or until development of the land is proposed for any use

29 other than single-family detached dwellings and their accessory
30 uses;

31 (b) The division of land and distribution, in kind, to the heirs upon
32 the distribution of an estate by a court of competent jurisdiction,
33 unless or until development of the land is proposed for any use
34 other than single-family detached dwellings and their accessory
35 uses;

36 (c) A conveyance of one-half acre or more to a son or daughter or
37 lineal descendant or antecedent of the grantor from a tract
38 retaining five or more acres, or two or more acres for land zoned
39 AR, provided that any lot created by the conveyance shall be
40 used solely for a single-family detached dwelling and its
41 accessory uses, and:

42 (1) A grantee shall only receive one conveyance from the
43 grantor in a 10-year time frame (the grantor shall submit a
44 certified list of all previous grants in accordance with this
45 exemption);

46 (2) This exemption shall not be used to divide land that was
47 created pursuant to the provisions for private roads and
48 easements in accordance with Section 24-4204, Private
49 Streets and Easements;

50 (d) A conveyance of land to a public utility for the purposes of
51 installing transmission lines, sewage pumping stations, and
52 electrical substations;

53 (e) A conveyance of land to a governmental agency for public use,
54 until or unless the land is no longer used for public uses;

55 (f) A conveyance of land used exclusively for agricultural uses as
56 defined by the Maryland Department of Assessments and
57 Taxation for which the agricultural uses proposed result in a *de*

- 1 *minimus* transportation impact as defined by the *Transportation*
2 *Review Guidelines*;
- 3 **(g)** Any division of land by deed prior to January 1, 1982, provided:
4 (1) The proposed use is for a single-family detached dwelling
5 and its accessory uses; or
6 (2) The proposed use is for an addition to an existing private
7 school facility for which no increase in existing enrollment is
8 proposed.
- 9 **(h)** A re-subdivision to correct a drafting or engineering error for
10 land which is not the subject of a record plat;
- 11 **(i)** The sale or exchange of land between adjoining land owners to
12 adjust common boundary lines, provided that no additional lots
13 are created for land which is not the subject of a record plat;
- 14 **(j)** A conveyance of land resulting from foreclosure proceedings or
15 trustees' sales pursuant to a deed of trust or mortgage, deeds
16 in-lieu of foreclosure, trustees' deeds, and final decrees of
17 foreclosure. For purposes of these Regulations, the execution
18 and/or recordation of a deed of trust or mortgage shall not
19 constitute a division of land;
- 20 **(k)** In the Chesapeake Bay Critical Area Overlay (CBCA-O) Zone, if
21 the land was divided:
22 (1) In accordance with Sections 24-1403(a) through 24-1403(j)
23 above, prior to October 30, 1989;
24 (2) In accordance with Section 24-1403(c) above, provided the
25 land to be conveyed lies outside the CBCA-O Zone; or
26 (3) In accordance with Section 24-1403(e) above, provided that
27 the conveyance restricts use of the land to public uses in
28 perpetuity;

- 29 **(l)** A conveyance from a place of worship of an existing parsonage
30 for use as a single-family detached dwelling, and its accessory
31 uses, provided both uses comply with the dimensional and
32 intensity requirements in Division 27-4: Zones and Zone
33 Regulations, in Subtitle 27: Zoning Ordinance;
- 34 **(m)** Any land or portion of a parcel of land fully encumbered by a
35 perpetual conservation easement, unless it is within an
36 environmental setting for a historic site, for purposes of:
37 (1) Agricultural preservation; and
38 (2) The conveyance is a minimum of one acre, but not more
39 than two acres in the AG Zone to a son or daughter of the
40 grantor or an "unrestricted lot" as described in § 2-513(b)(3)
41 of the Agriculture Article, Annotated Code of Maryland.
- 42 **(n)** In the Sustainable Growth Tier IV the filing of a preliminary plan
43 and final plat shall not be required If the land was subdivided by
44 any method prior to October 1, 2012.
- 45 **24-1404. Review of Exempt Conveyance**
- 46 **(a)** If a conveyance of land is exempted from the requirements of
47 these Regulations in accordance with Section 24-1403,
48 Exemptions, the application shall still comply with the applicable
49 requirements of Subtitle 27: Zoning Ordinance, Subtitle 5B:
50 Chesapeake Bay Critical Area of the County Code, and Section 9-
51 206 of the State Environment Article, Annotated Code of
52 Maryland.
- 53 **(b)** The Planning Director may review all such conveyances of land
54 in accordance with the review procedures in Section 24-
55 3402(d)(2), Final Plat of Minor Subdivision, for compliance with
56 the applicable requirements of Subtitle 27: Zoning Ordinance
57 and Subtitle 5B: Chesapeake Bay Critical Area, of the County
58 Code, and Section 9-206 of the Environment Article, Annotated

1 Code of Maryland. No preliminary plan of subdivision shall be
2 required for such conveyances of land unless otherwise required
3 by law.

4 **24-1405. Subdivision in Sustainable Growth Tier**
5 **IV**

6 Final plats of minor subdivision shall be required for any use in the
7 Residential Uses Classification or the Agriculture/Forestry Uses or
8 Agriculture/Forestry-Related Uses categories which is proposed in
9 Sustainable Growth Tier IV on or after October 1, 2012, subject to the
10 following:

11 **(a)** The final plat for minor subdivision shall be limited to the
12 cumulative number of residential lots allowed to be permitted
13 for a preliminary plan of minor subdivision.

14 **(b)** Agricultural parcel(s) shall be counted in addition to the
15 permitted number of residential lots and shall be restricted to
16 agricultural uses in perpetuity.

17 **(c)** A preliminary plan and final plat of minor subdivision shall be
18 required for uses in the Agriculture/Forestry Uses or
19 Agriculture/Forestry-Related Uses categories which generate a
20 greater than *de minimus* transportation impact as defined by the
21 *Transportation Review Guidelines*.

22 **24-1406. No Development Until Compliance with**
23 **These Regulations**

24 Unless exempted, no land shall be subdivided, developed, or
25 converted from residential to nonresidential or nonresidential to
26 residential uses without compliance with these Subdivision
27 Regulations.

28 **Sec. 24-1500 Minimum Requirements**

29 These Regulations establish the minimum requirements for the
30 subdivision of land in the County.

31 **Sec. 24-1600 Relationship to Other Laws**

32 **24-1601. Conflicts with Other County Ordinances**
33 **or Laws**

34 If a provision of these Regulations is inconsistent with another
35 provision of these Regulations, or with a provision found in other
36 ordinances or laws of the County, the more restrictive provision shall
37 govern. The more restrictive provision is the one that imposes
38 greater restrictions or burdens, or more stringent controls.

39 **24-1602. Conflicts with State or Federal Law**

40 If a provision of these Regulations is inconsistent with a provision
41 found in the law or regulations of the State or Federal government,
42 the more restrictive provision shall control, to the extent permitted
43 by law.

44 **24-1603. Existing Vested Rights**

45 Nothing in these Regulations is intended to repeal, supersede, annul,
46 impair, or interfere with any vested rights previously adopted or
47 issued in accordance with all applicable laws, provided such
48 agreements or rights are lawfully established and remain in effect.

49 **Sec. 24-1700 Transitional Provisions**

50 **24-1701. Effective Date**

51 These Regulations shall become effective on *[insert effective date*
52 *of these Regulations, which shall be the same date as the effective*

1 *date of the replacement Zoning Ordinance, being also Subtitle 27 of*
2 *this Code*], and repeals and replaces the 1981 Subdivision Regulations
3 of Prince George’s County (2015 Ed., 2017 Supp.) as amended.

4 **24-1702. Violations Continue**

5 Any violation of the previous Subdivision Regulations shall continue
6 to be a violation under these Regulations, unless the application
7 complies with the express terms of these Regulations, a subsequently
8 adopted ordinance, or other applicable ordinances, laws, or statutes.

9 **24-1703. Applications Pending Prior to [redacted]**
10 **[insert effective date of these**
11 **Regulations]**

12 (a) Any subdivision application submitted and accepted as
13 complete before [redacted] [insert effective date of these
14 Regulations], but still pending final action as of that date, shall
15 be reviewed and decided in accordance with the Subdivision
16 Regulations in existence at the time of the submission and
17 acceptance of the application.

18 (b) If the subdivision application is approved, the development
19 approval or permit shall remain valid for the period of time
20 specified in the Subdivision Regulations under which the
21 application was reviewed and approved. Extensions of time
22 available under those old Subdivision Regulations remain
23 available. If the subdivision application is for a Conceptual Site
24 Plan (CSP), Special Permit, or Conceptual Design Plan (CDP)
25 approved under the old Zoning Ordinance, the approved CSP,
26 Special Permit, or CDP shall remain valid for 20 years, and any
27 applications for subdivision submitted under the CSP or CDP
28 during this time period shall be reviewed under the Subdivision
29 Regulations in existence at the time of the approval of the CSP
30 or CDP.

31 (c) If the development application is approved, the development
32 approval shall remain valid for the period of time specified in the
33 Subdivision Regulations under which the application was
34 reviewed and approved. Extensions of time available under the
35 old Subdivision Regulations remain available. If the approval
36 pertains to any public facility (including, but not limited to,
37 establishment of public facility capacity or conditions for
38 improving facilities to mitigate the impact of the approved
39 development), the project will be granted a Certificate of
40 Adequacy pursuant to Section 24-4503(a)(1).

41 (d) Until and unless the period of time under which the subdivision
42 approval remains valid expires, the project may proceed to the
43 next steps in the approval process (including any zoning steps
44 that may be necessary) and continue to be reviewed and
45 decided under the Subdivision Regulations and Zoning
46 Ordinance under which it was approved.

47 (e) Once constructed, the project shall be “deemed conforming”
48 and shall be subject to the same rules as other conforming
49 subdivisions under the Subdivision Regulations and uses,
50 structures, signs, and other features under the Zoning
51 Ordinance. Under no circumstance shall an illegal subdivision,
52 use, structure, sign, or other feature as of the effective date of
53 the Subdivision Regulations or Zoning Ordinance be “deemed
54 conforming.”

55 (f) Subsequent revisions or amendments to development
56 approvals or permits “grandfathered” under the provisions of
57 this Section shall be reviewed and decided under the Subdivision
58 Regulations or Zoning Ordinance under which the original
59 subdivision approval or development approval or permit was
60 approved, unless the applicant elects to have the proposed
61 revision or amendment reviewed under these Regulations.

1 (g) An applicant may elect at any stage of the development review
2 process to have the proposed development reviewed under
3 these Subdivision Regulations.

4 **24-1704. Projects Which Received Subdivision**
5 **Approval Under the Prior Subdivision**
6 **Regulations**

7 (a) Subdivision approvals of any type remain valid for the period of
8 time specified in the Subdivision Regulations under which the
9 subdivision was approved. Extensions of time which were
10 available under those Subdivision Regulations shall remain
11 available.

12 (b) Until and unless the period of time under which the subdivision
13 approval remains valid expires, the project may proceed to the
14 next steps in the approval process (including any zoning steps
15 that may be necessary) and continue to be reviewed and
16 decided under the Subdivision Regulations and Zoning
17 Ordinance in effect immediately prior to the effective date of
18 the County Subdivision Regulations and Zoning Ordinance.

19 (c) If the subdivision approval expires or is revoked (i.e., for failure
20 to comply with the terms and conditions of approval), any
21 subsequent subdivision of the land shall be subject to the
22 procedures and standards of these Regulations.

23 (d) Once constructed, the project shall be “deemed conforming”
24 and shall be subject to the same rules as other conforming uses,
25 structures, and site features under the Zoning Ordinance.

26 (e) Subsequent revisions or amendments to development
27 approvals “grandfathered” under the provisions of this Section
28 shall be reviewed and decided under the Subdivision
29 Regulations under which the original development approval was

30 approved, unless the applicant elects to have the proposed
31 revision or amendment reviewed under these Regulations.

32 (f) An applicant may elect at any stage of the development review
33 process to have the proposed development reviewed under
34 these Subdivision Regulations.

35 **24-1705. Building Restriction Lines**

36 Any building restriction lines shown on a plat recorded on or before
37 November 29, 1949 are extinguished. Building and structures that
38 may have been affected by such building restriction lines may be
39 altered, enlarged, or extended, if the alteration, enlargement, or
40 extension conforms to the dimensional standards of the zone in
41 which it is located, and all other relevant requirements of these
42 Regulations and the Zoning Ordinance.

43 **Sec. 24-1800 Severability**

44 These Subdivision Regulations are to be liberally construed to carry
45 out the purposes of these regulations and to avoid conflict with the
46 laws of the State of Maryland and Federal laws, or any other
47 limitations imposed by law. However, if any provision of these
48 Regulations is determined by a court of competent jurisdiction to be
49 invalid, such decision shall not affect the validity of the remaining
50 portions of these Regulations.

51

